



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,779	12/28/2000	Paul Mossman	1008-A	4844

7590 10/04/2004

Robert Feutlinske  
KIRBY EADES GALE BAKER  
P. O. Box 3432, Station D  
Ottawa, ON K1P 6N9  
CANADA

EXAMINER

FLEMING, FRITZ M

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,779

Applicant(s)

MOSSMAN, PAUL

Examiner

Fritz M Fleming

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
FRITZ FLEMING  
PRIMARY EXAMINER  
GROUP 2100

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see response filed 8/25/2004, with respect to the rejection(s) of claim(s) 1-36 under Tonelli et al. and Gase have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hansen and Gase (EP) and Platt and Schettler.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Platt, Gase (EP), and Schettler.

Hansen, the primary reference, shows the use of a virtual system representing the target system, to which changes are applied to the virtual system, and then

Art Unit: 2182

configuration files are generated and then applied to the target system. Specifically, Hansen shows the configuration of a plurality of parameters (i.e. per configuration files 20 and Appendix A) for the target system in the form of the network devices 26. A virtual system is hosted on a computer system 2 in the form of the configuration tool 10, which is a GUI and hence an interface to the virtual system, which is the representation of the connected network devices in Figures 4 and 7. The virtual system of the configuration tool 10 is divided in to 2 portions, namely a collection tool 14 that supports the interface to the target system (explained below), such that changes to the parameters are applied to the virtual system. This is shown, for example, in columns 8+, in which the configuration tool uses the map editor 14 to generate a map and the configuration guide 18 for configuring the unconfigured devices. The appropriate configuration scripts 12-N are retrieved by the map editor 14 for the proposed connection between two devices. The map editor 14 reviews the configuration scripts 12, and if the connection is permitted, the map editor 14 completes the proposed connection and appends the connection to the network configuration map. Thus the changes to the parameters are first applied to the virtual system of the map. If the user requests to configure the device(s), the map editor 14 transfers the information to the configuration guide 18 to perform the requested configuration task to provide the local configuration file 20 for upload to the device 26. Thus the application tool is in the form of the local configuration files 20 and applies the changes to the target system devices 26. The interface is seen in the configuration tool 10, in which all of the changes of the proposed connection(s) are first checked to see if they are permitted, the changes

Art Unit: 2182

communicated to the collection tool 14 to update the network configuration map via a cumulation of the changes (i.e. the changes are applied to the map 14 via the completion of the proposed connection with the connection information appended to the map) and then the application tool 18 and 20 applies these cumulated changes to the device 26 via the network upload. What is lacking is the batch mode application.

Platt teaches that it is old and well known in the art to remotely install software to a plurality of computers in either a batch mode or interactively. See Figures 3+ in which a batch mode has the advantages of allowing the method to easily install software on large numbers of remote computer systems (col. 2, lines 3-11). Suggestion to combine is proper, as software installation to large numbers of computers is advantageous over a network in a batch mode process. Software on a client machine is a form of configuration.

Gase also states that the batch configuration of network devices is well known and has the advantage to allow the simultaneous configuration of network devices (12) from a host device 11. Suggestion to combine is proper as Gase is also concerned with network configuration, wherein all of the settings are changed and then the configuration can be started via interface 21 (column 5), such that the configuration engine 25 then sends out the changes over the network.

Finally, Schettler teaches a batch mode updating of the network topology via the batch mechanism 103 in the discovery layout software 101. For example, an interface 112 in the station 100 shows a map 200 which is the discovered network layout. The topology manager 310 populates the database 314 and the layout mechanism 304 interacts with

Art Unit: 2182

the translator 318, wherein the events are queued and accumulated and ultimately treated as a batch of events representing all of the map changes to be displayed on the GUI 322. The purpose of this is to enhance the performance of the software 101 by minimizing the context switches (column 7, lines 54-65). Thus suggestion to combine is proper, as Schettler is concerned with network topology map GUI changes in an enhanced manner.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the teachings of Hansen via the teachings of Platt, Gase and Schettler for the express purpose of performing the device configurations in a batch mode, so as to benefit from the ability to easily install software on a large number of devices (Platt), be able to simultaneously configure network devices (Gase) and enhance software performance (Schettler).

Per claim 2, Hansen shows the proposed connection on the map and then verifies the connection by displaying parameters via the edit device (column 10), as shown in Figure 6.

Per claim 3, the combined references allow user input for proposed connections with output in the form of network maps.

Per claim 4, Hansen shows the use of configuration files 20 and parameter display in Figure 6, providing content for the proposed and actual connections.

Per claim 5, input is received from the user at Hansen by the proposed connections and the devices selected by the user.

Art Unit: 2182

Per claim 6, the configuration files are generated by 20 and then passed on via 18 to the devices 26, per Hansen.

Per claim 7, various databases are shown in Hansen's tool 10, Gase's database 24, and Schettler's database 314.

Per claim 8, Gase teaches a flat file or a relational database (i.e. hierarchical) and Schettler shows a hierarchical map 200.

Per claim 9, the databases define the information of the network devices (Gase).

Per claim 10, the configuration file generator 20 and 18 of Hansen interact with the parameters selected by the user, and hence the database files 12, such that the files (flat or hierarchical of Gase) are used to generate the configuration files. Obviously the end of the file has to be detected to generate the proper configuration files.

Per claim 11, the references teach the use of output interfaces per the map displays that are in communication with the various portions of the software.

Per claim 12, such is rendered obvious due to the use of the configuration tool on a computer.

Claims 13-16 parallel claims 2-4, thus the devices to be connected are selected and shown in Hansen, with parameters made visible per Figure 6, to allow such to be edited.

Claims 17-21 are rendered obvious as GUIs are used by the operator to propose network connections, have them checked, and then ultimately submit the configuration data over the network via a batch update.

Art Unit: 2182

Claims 22-31 add an OAM limitation, but such is the whole point of the references, that being the use of the systems to provide operation, administration and maintenance via the GUIs. Claims 22-31 parallel claims 1-12 and the same reasoning applies.

Claims 32-36 apply to an OAM method, thus the method as addressed above is equally rejected, as the whole point of the method, is again, to provide the OAM functionality.

### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elderton et al. show network topology, noting batch mode at column 5, line 47. Somashekar et al. show configuration via a network 200 using a GUI 300 using a batch file per Figure 10. IBM TDB shows a batch configuration utility to produce a large number of workstation configuration files with reduced human effort.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 703-308-1483. The examiner can normally be reached on M-F, 0600-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fritz M. Fleming  
Primary Examiner  
Art Unit 2182

fmf